

REMARKS

Responsive to the Office Action mailed November 17, 2004, Applicant has studied the Examiner's comments and the cited art. Claims 1-28 are currently pending. In view of the following remarks, Applicant respectfully submits that the application is in condition for allowance.

Drawing Amendments

In response to the Examiner's objections in reference to the drawings, the Applicant has amended the drawings as follows:

Figure 7 has been amended to make reference to the "blinking oscillating circuit 546" by correcting the reference originally labeled as 916.

Figure 7 has been amended to make reference to the "personal alarm system 570."

Figure 9 has been amended to make reference to "latch . . . solenoid 655."

Figure 8 has been amended to make reference to the "display screen 375," "lights 354," and "buttons 356." Correction to the original item labeled 1200 has been made by making reference to "display screen 375."

Figure 11 has been amended to make reference to "air conditioning conduit 940."

Figure 13 has been amended to make reference to "submergible submarine 2000" and "check valve 2060."

A marked up version of the drawings is included herewith showing the amendments encircled on the relevant Figures. No new matter has been added.

Amendments to the Specification

In response to the Examiner's objections to the drawings and the specification, Applicant has amended paragraphs 23, 29, 33, and 60 of the specification. Specifically, Applicant has amended paragraph 23 to make correct reference to the conduit system as "conduit system 20."

Applicant has amended paragraph 29 to make correct reference to the arrows as “arrows 3.” Applicant has amended paragraph 33 to make correct reference to the battery bank and the inverter as “battery bank 170” and “inverter 160.” Applicant has amended paragraph 60 to make reference to valve 40’. No new matter has been added.

Claim Amendments

Applicant has cancelled claims 1 - 28.

Applicant has added new claims 29 – 48 to more clearly claim features of the disclosed invention. No new matter has been added. Support for the new claims is found in the specification.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 3, 4, 6, 7, 23 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Jung, U.S. Patent No. 6,356,425. An anticipation rejection under 35 U.S.C. § 102(b) requires that the reference teach every element of the claim. *See* Manual of Patent Examining Procedure (“MPEP”) § 2131 (8th ed., Rev. 2, May 2004). Applicant respectfully traverses the Examiner’s rejections. However, because Applicant has canceled Claims 1, 3, 4, 6, 7, 23 and 28 and added new Claims 29 - 48, the Examiner’s comments in reference to Jung are rendered moot.

New Claims 29 – 48 all require an airborne element sensor, and an evacuation system that comprises an exhaust apparatus. Additionally, new independent Claim 29 requires an alert system that comprises visual, audible, and haptic interface system alerts. New independent Claim 42 requires a power receptacle interface having at least one outlet that is configured to change states upon the sensor indicating the presence of the airborne element. New independent Claim 43 requires a first and second valve within a conduit system, wherein the first valve is interposed between an interior of a structure and the second valve, and the second valve is interposed between first valve and an exhaust apparatus. Additionally, new independent Claim 46 requires a booster apparatus be interposed between an interior of the structure and the exhaust apparatus. New independent Claim 47 requires a filter apparatus be interposed between the discharge of an exhaust apparatus and an atmospheric exit means. New independent Claim 48

requires actuating visual, audible, and haptic interface system alerts. Jung fails to disclose or suggest such limitations. Instead, Jung discloses a timer-thermal shutoff apparatus, for use with appliances. Therefore, Jung fails to anticipate all of the elements of Applicant's claimed subject matter. For at least these reasons, Applicant respectfully submits that Claims 29 – 48 are allowable.

Claim Rejections Under 35 U.S.C. § 103

Claims 2, 5, 8 – 22, and 24 – 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jung, Fuss – U.S. Patent No. 6,769,250, Cash – U.S. Patent No. 5,729,197, Quigley – U.S. Patent No. 6,583,720, Thiessen et al. – U.S. Patent No. 6,552,647, and McCutchen – U.S. Patent No. 4,944,216, in some combination. A rejection under 35 U.S.C. § 103(a) requires that the Examiner establish a *prima facie* case of obviousness. The Examiner must show that 1) there is some suggestion or motivation, to modify the reference or to combine reference teachings; 2) there is a reasonable expectation of success; and 3) the prior art references teach or suggest all the claim limitations. Moreover, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. *See* MPEP § 2142 (8th ed., Rev. 2, May 2004) (citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)). Applicant respectfully traverses the Examiner's rejections. However, because Applicant has canceled Claims 2, 5, 8 – 22, and 24 – 27 and added new Claims 29 - 48, the Examiner's comments in reference to the Jung, Fuss, Cash, Quigley, Thiessen et al., and McCutchen references are rendered moot.

As previously indicated, Applicant's new Claims 29 – 48 all require an airborne element sensor, and an evacuation system that comprises an exhaust apparatus. Additionally, new independent Claim 29 requires an alert system that comprises visual, audible, and haptic interface system alerts. New independent Claim 42 requires a power receptacle interface having at least one outlet that is configured to change states upon the sensor indicating the presence of the airborne element. New independent Claim 43 requires a first and second valve within a conduit system, wherein the first valve is interposed between an interior of a structure and the second valve, and the second valve is interposed between first valve and an exhaust apparatus.

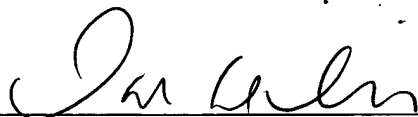
Additionally, new independent Claim 46 requires a booster apparatus be interposed between an interior of the structure and the exhaust apparatus. New independent Claim 47 requires a filter apparatus be interposed between the discharge of an exhaust apparatus and an atmospheric exit means. New independent Claim 48 requires actuating visual, audible, and haptic interface system alerts. Neither the Jung, Fuss, Cash, Quigley, Thiessen et al., nor McCutchen references teach alone or in combination the limitations of Applicant's newly added claims. Claims 30 – 41 and 44 – 45 all depend from new independent claims, which Applicant believes are allowable. For at least these reasons, Applicant respectfully requests submits that Claims 29 – 48 are allowable.

CONCLUSION

Applicant respectfully submits that all issues and rejections have been adequately addressed, that all claims are allowable, and that the case should be advanced to issuance.

If the Examiner has any questions or wishes to discuss the claims, Applicant encourages the Examiner to call Tara M. Williams at the telephone number indicated below.

Respectfully submitted



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Date: 2-17-05

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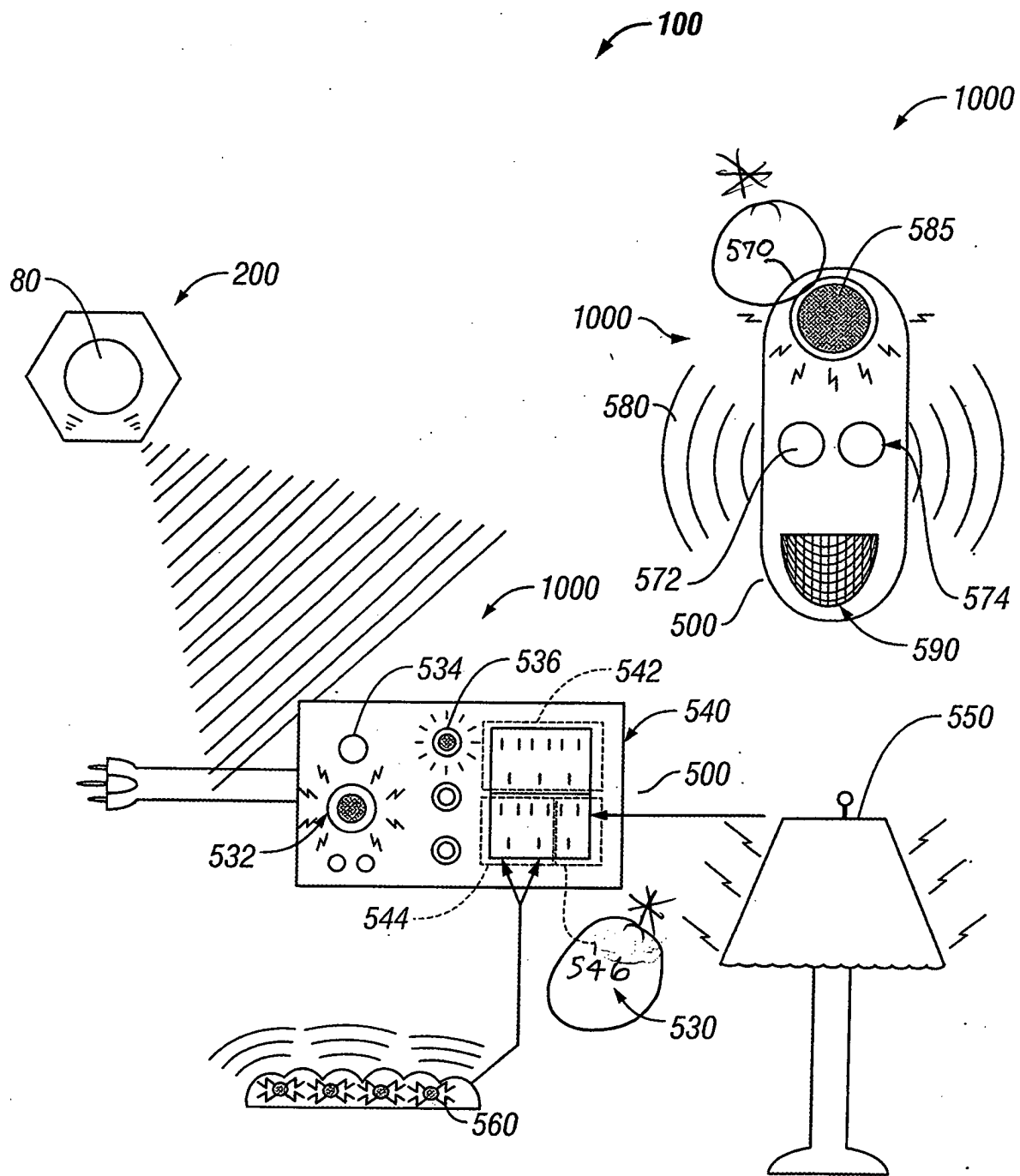


FIG. 7

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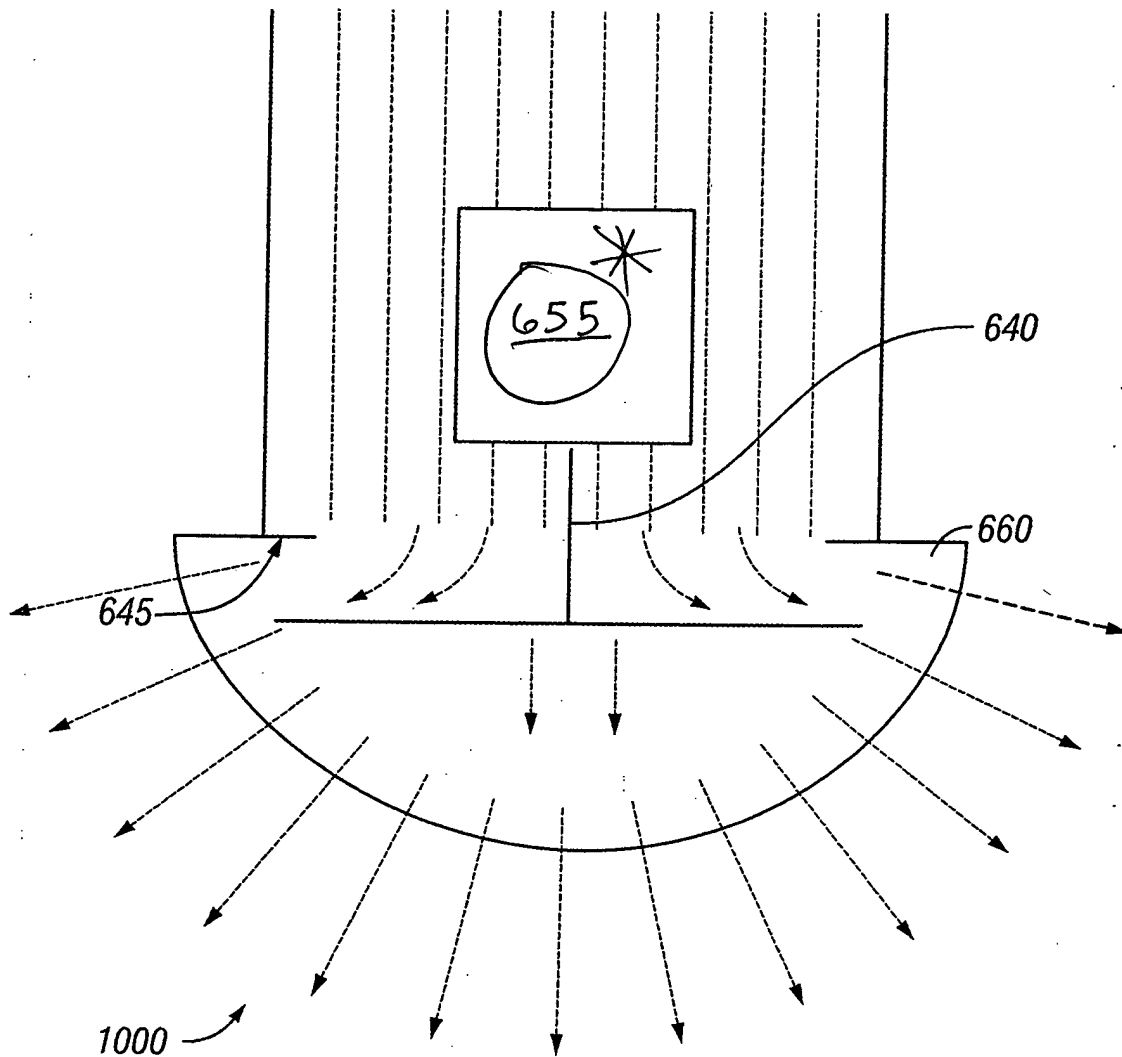


FIG. 9

ANNOTATED REPLACEMENT SHEET

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200

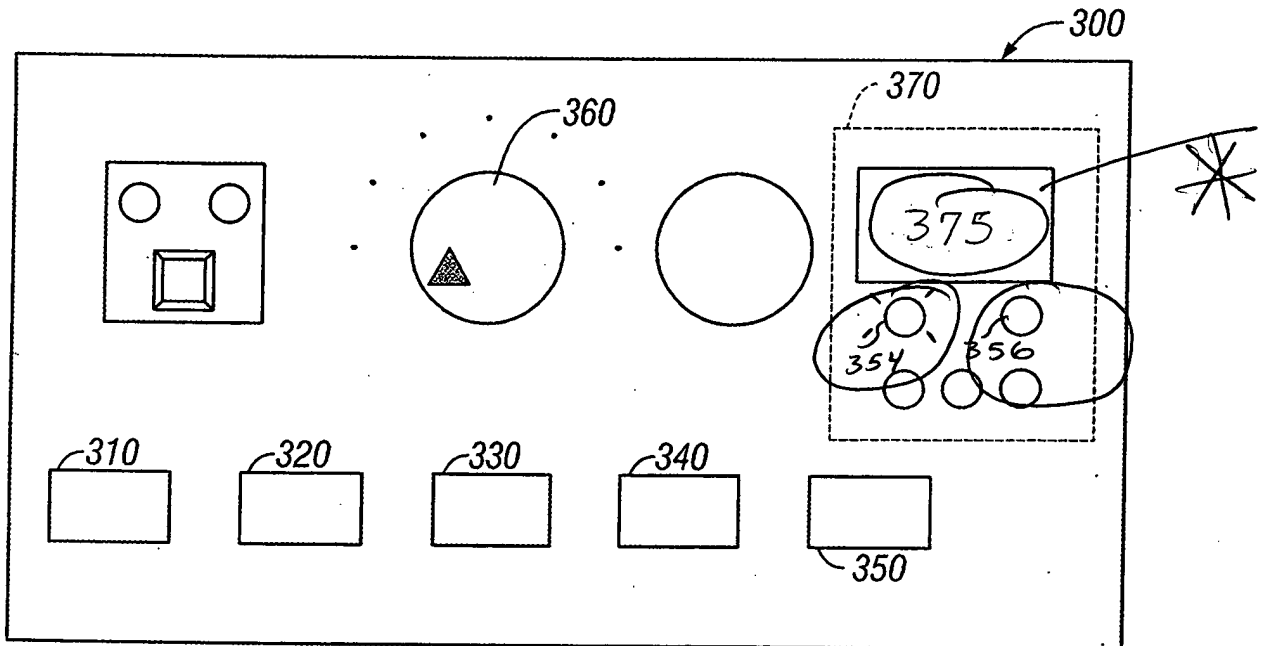


FIG. 10A

200

300

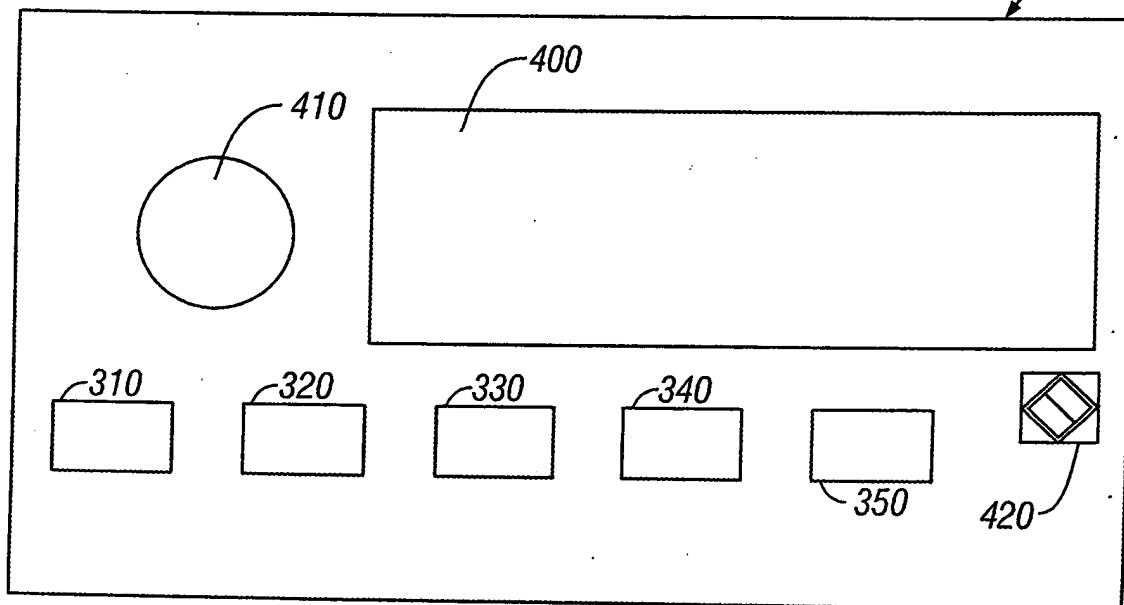
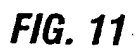


FIG. 10B

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ANNOTATED REPLACEMENT SHEET

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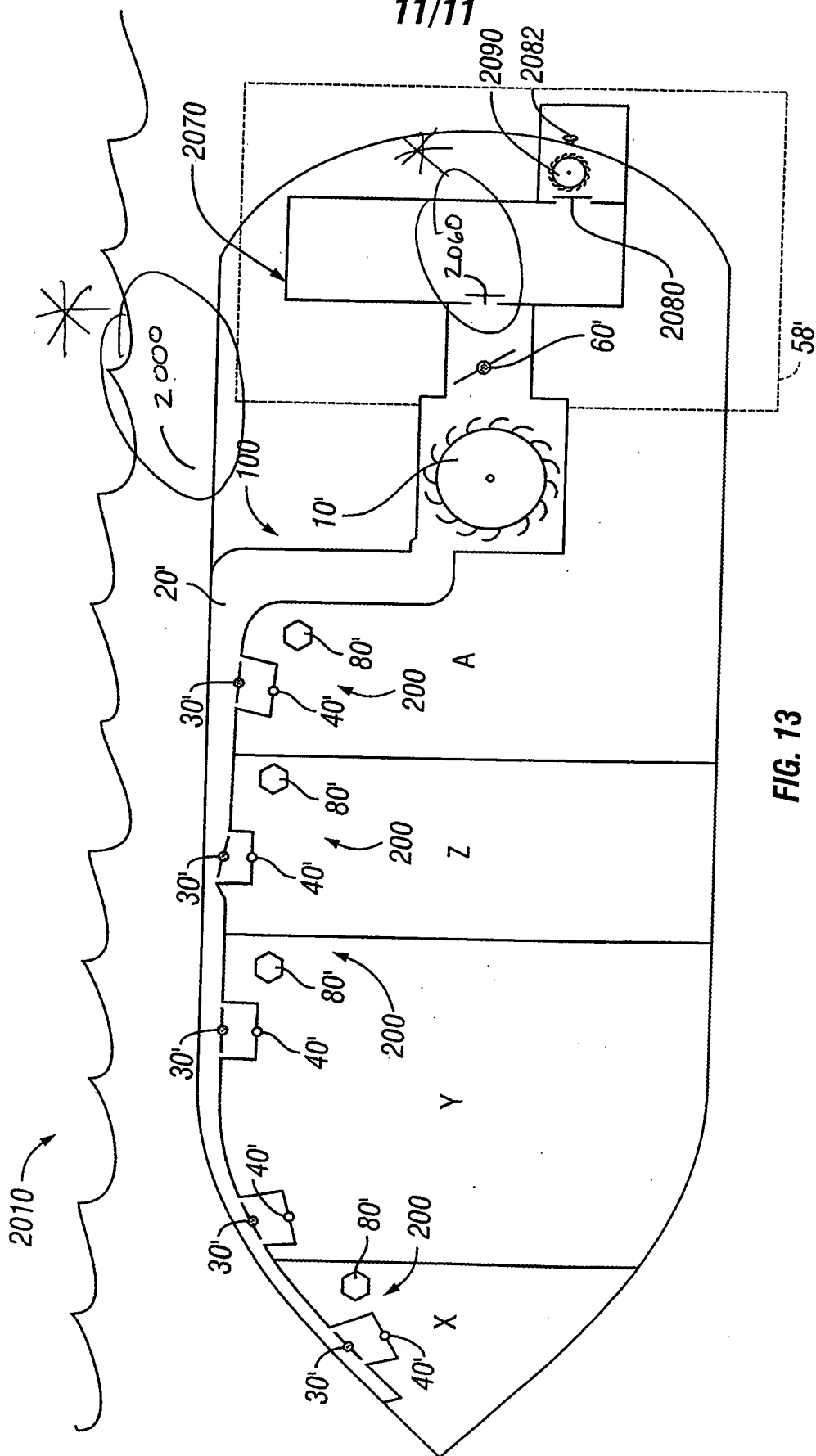


FIG. 13